



Guidelines for PSEA Members Called as Fact Witnesses During Child Abuse Investigations

**Prepared by the PSEA Legal Division
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Recent changes in the Child Protective Services Law (CPSL) have produced circumstances where the county children and youth services (CYS) offices and/or police are conducting investigations on the school premises. Where these occur, or even where such are conducted at the CYS offices, police stations, or elsewhere, the following advice is offered to those of our members who find themselves being questioned as fact witnesses who may have information relevant to a child abuse investigation of an alleged perpetrator of child abuse:

- Members who have made a child abuse report pertaining to the investigation of alleged child abuse should be cooperative and answer the questions asked of them to the best of their ability. If, during the interview, they begin to sense that they are becoming the target of the investigation or are being questioned about something that they should or should not have done, they should interrupt the interview and request to cease the discussion until after they have had an opportunity to seek legal consultation.
- Members who have never made any child abuse report should first confirm that they are being asked questions as a potential witness in the investigation. Once that confirmation is obtained, members should then participate in the questioning in accord with the guidelines above. There is one exception: If members believe that they have information that will put themselves at risk of having violated the law (e.g., in willfully failing to make an earlier report of child abuse pertinent to the investigation; in assisting the accused with the alleged child abuse at issue), then members should decline to answer questions before first consulting with legal counsel.

NOTE: Members who are questioned as fact witnesses by CYS or criminal authorities **must not** discuss the content of the investigatory discussion with other individuals beyond his/her attorney, CYS, law enforcement, or school employers. Discussion and/or dissemination of such confidential information could subject members to criminal charges.

For those members serving as fact witnesses, they should adhere to the following advice:

1. Tell the truth at all times.
2. If you do not know the answer to a question, feel free to say so. If you do not remember something, say so.
3. If you do not understand a question, ask that it be repeated.
4. Only answer the question asked. Do not volunteer information. Do not guess or estimate an answer.
5. Do not hurry your answers. Pause briefly before answering each question.
6. If your answer is incorrect, correct it promptly.
7. If your answer was not clear, clarify it promptly.
8. Clarify the basis of your knowledge, when necessary. For example, if your information is based upon hearsay only, make it known that your information is based upon hearsay.